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MINUTES OF THE PROCEEDINGS
OF THE BURLINGTON, IOWA CITY COUNCIL

Meeting No. 44
October 15, 2007

The Burlington City Council met in regular session at 7:00 p.m. in the Thomas J. Smith Council Chambers, City Hall with Mayor Ell, Council Members Campbell, Murray, Scott and Thomas present.

BURLINGTON CITY COUNCIL

PROCLAMATIONS:

- * White Cane Safety Day - Janet Hockings
- * Red Ribbon Week - Michelle Williams
- * Business Women's Week - Lavada Hartzell

CONSENT AGENDA: To the Public:

All matters listed under Item I., Consent Agenda, having been discussed were considered to be routine by the City Council and were enacted by one motion. There was not separate discussion of these items. If discussion was desired, that item was removed from the Consent Agenda and was considered separately.

Introduced By: Campbell Seconded By: Scott

MOTION: To approve all items listed under Item I., Consent Agenda.

DISCUSSION: Mayor Ell reviewed the items listed on the consent agenda to the viewing audience. Council Member Thomas announced those individuals appointed to various City commissions and boards. He further requested the removal of the

Resolution Approving Feasibility Study for an Indoor Rec Facility from the consent agenda for discussion at the close of the meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTES: 5 - AYES)

CARRIED

RESOLUTIONS:

Introduced By: Campbell Seconded By: Scott

1. Resolution Awarding \$3,350,000 General Obligation Corporate Purpose Bonds, Series 2007

DISCUSSION: The City Manager stated that the Resolution awarding \$3,350,000 General Obligation Corporate Purpose Bonds, Series 2007 would finance street projects, street lighting, City trail system improvements and the acquisition of

equipment for the Police Department and Street Department. The Deputy City Manager stated that eight bids were received on October 15, 2007 at 12:00 p.m. He stated that the City has maintained their A2 bond rating with Moody. Rex Ramsay of Piper Jaffray reported to the City Council and the viewing audience the report of the sale of the bonds. He stated that the low bidder was Harris, N.A. of Chicago, Illinois. He stated that the true interest rate was 3.957416%.

He stated that he was very pleased with the interest rate. He further reviewed

the principal/interest schedule. He stated that since bidders were allowed to bid term maturity, an additional step of issuance of the bonds would need to be deferred until the November 5, 2007 City Council Meeting. Mary Baker of 320 South 6th Street questioned if the City had to award to the lowest bidder. Rex Ramsay stated that it was in the City's best interest to award to the lowest bidder. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Campbell Seconded By: Scott

2. Motion That Further Action with Respect to the Issuance of the Bonds be Deferred Until

November 5, 2007 at 7:00 p.m. at the Thomas J. Smith Council Chambers, City Hall, Burlington, Iowa.

DISCUSSION: None.

(VOTE: 5 - AYES)

CARRIED

Introduced By: Thomas Seconded By: Scott

3. Resolution Approving Final Plat of Klesner Subdivision

DISCUSSION: The Development Director reviewed with City Council and the viewing audience the final plat of Klesner Subdivision. He stated that Lot One of Klesner Subdivision shall be legally attached to and combined with the property located at 2065 Osborn Street and shall not continue as an individual lot or parcel. He further stated that the approval of the final plat would allow the owner to construct an accessory building behind his home. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - AYES)

ADOPTED

Introduced By: Murray Seconded By: Thomas

4. Resolution Awarding Contract for the 2007 Hawkeye Sewer Phase IV, Equalization Tanks

DISCUSSION: The City Engineer stated that on September 19, 2007 the City received two bids for the completion of the Hawkeye Sewer Separation, Phase IV, Equalization Tanks Project. The low bidder was Iowa Bridge and Culvert, L.C. of

Washington, Iowa in the amount of \$4,307,856.29. He stated that he has worked with the low bidder to identify ways to reduce construction costs by between \$900,000.00 and \$1,000,000.00 without jeopardizing the functionality of the equalization tanks. He stated that even with the proposed changes to the project, the project was higher than the amount the City budgeted

for the project. He stated that the reasons that the project costs were so high

was that the design kept getting more complex and also that construction costs have skyrocketed. Mary Baker of 320 South 6th Street questioned if there was a deadline for the project and if it could be extended. Mayor Ell stated that the

DNR consent deadline was November 1, 2007. He stated that there could be consequences, if the City requests an extension. The City Manager stated that the Council could award the bid, then remove the alternates to the project; reject the bids and rebid. He stated that DNR will allow a limited amount of flexibility with the City. He reminded the Council that if they reject the bids

and start the process over the end result could be either better or it could be worse. Keith Jacobs of 1412 Pine Street urged Council to reject the bids and take the chance that new bids would be a better price. He further questioned if

City crews would be able to clean and repair the arch. The City Engineer stated that there was a confined space issue and the City would have to take precautions. Chuck Griffin of 2604 Clearview Avenue urged Council to reject bid with more options. The Deputy City Manager stated that the EPA was placing pressure on the DNR. He stated that if they feel the City is dragging its feet, they can implement a \$10,000.00 fine each time sewage flows into the river. The Public Works Director stated that should Council reject the bids, the City Engineer would alter the plans so that portions of the project would be bid as alternates. Council Member Scott questioned when the cleaning of the arch was a part of the project. The City Engineer stated that the cleaning and repair were a part of the City's five year capital improvement plan and also a part of the hearing on the plans and specifications. Council Member Scott felt that if the City rebids the project without the nonessential items, the bids would come in lower than the present bid price. He stated that he felt comfortable placing the project back out for bids with cost reductions. Mayor Ell agreed with Council Member Scott. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â NAYSâ)

FAILED

Introduced By: Murray Seconded By: Thomas

5. Resolution Approving the DNR Consent Order for Sanitary/Storm Sewer Separation

DISCUSSION: The City Manager stated that the City Council would need to continue the approval of the Resolution Approving the DNR Consent Order for Sanitary/Storm Sewer Separation to the November 5, 2007 City Council Meeting. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

Introduced By: Scott Seconded By: Thomas

6. Motion to Continue to the November 5, 2007 City Council Meeting the Approval of the Resolution Approving the DNR Consent Order for Sanitary/Storm Sewer Separation

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

ORDINANCE:

Introduced By: Scott Seconded By: Thomas

1. Motion to Amend the Motion for Preliminary Adoption of the Second Reading of an Ordinance Amending Section 158.11 License Board Created of Chapter 158 Plumbing Code of the Burlington Municipal Code

DISCUSSION: The City Manager stated that there were no changes to the Ordinance Amending Section 158.11 License Board Created of Chapter 158 Plumbing Code of the Burlington Municipal Code from the first reading. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

CARRIED

Introduced By: Scott

Seconded By: Ell

2. Motion for Waiver of Preliminary Consideration and Adoption of the Second Reading and for Final Adoption of an Ordinance Amending Section 158.11 License Board Created of Chapter 158 Plumbing Code of the Burlington Municipal Code

DISCUSSION: None.

(VOTE: 5 - â AYESâ)

CARRIED

RESOLUTION:

Introduced By: Thomas

Seconded By: Scott

1. Resolution Approving Feasibility Study for an Indoor Rec Facility

DISCUSSION: Council Member Thomas stated that he requested the removal of the Resolution Approving Feasibility Study for an Indoor Rec Facility from the consent agenda for discussion at the close of the meeting so that the public would be aware of the feasibility study for an indoor Rec Facility. He stated that an indoor Rec Facility would allow the City's present RecPlex get to the next level. Mayor Ell stated that the RecPlex was very busy and an indoor Rec Facility would serve more citizens. He stated that the study would be done in phases with a total cost of \$11,000.00. Mary Baker of 320 South 6th Street stated that an indoor Rec Facility would be a duplication of service provided by

the YM/YWCA, the present roller skating rink and the potential downtown cheerleading facility. Council Member Murray explained that it was a feasibility study at this point. He stated that there was potential to make the

RecPlex generate year-round revenue. Council Member Scott stated that an indoor Rec Facility would allow the RecPlex to break even or make a profit. All present had opportunity to speak and nothing additional was filed in the office of the City Clerk.

(VOTE: 5 - â AYESâ)

ADOPTED

COMMENTS FROM AUDIENCE: None.

Adjournment: 8:58 p.m.

Approved: November 5, 20

07

Kathleen P. Salisbury, MMC
City Clerk

William L. Ell
Mayor

(See tapes on file in the office of the City Clerk for complete discussion and documentation.)

ITEM I.

Consent Agenda

FINANCES AND MISCELLANEOUS

Minutes of Previous Meetings

Payroll and City Claims

BEER, LIQUOR, WINE AND CIGARETTES

REPORTS AND BONDS

RESOLUTIONS:

1. Resolution Approving a Joint Fund-Raising Agreement Between the City of Burlington and Des Moines County for the Flint River Recreation Trail
2. Resolution Authorizing the Mayor to Sign State of Iowa REAP Grant Award Agreement for Flint River Recreation Trail
3. Resolution Awarding Contract for the Memorial Auditorium Riser System for the
Arena Main Floor Seating

APPOINTMENTS:

Southeast Iowa Airport Authority - Kurt Bangert